IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

WA.No. 2362 of 2007

(AGAINST THE JUDGEMENT IN WPC.31070/2006 Dated 31/07/2007)

APPELLANT: RESPONDENT NO.1 IN WP(C):

DIRECTOR GENERAL OF RESETTLEMENT (DGR),
DIRECTORATE GENERAL RESETTLEMENT,
MINISTRY OF DEFENCE,
GOVERNMENT OF INDIA,
WEST BLOCK-IV, R.K.PURAM,
NEW DELHI-110066,
REPRESENTED BY BRIG SHRINIWAS YARGOP,
DIRECTOR, DIRECTORATE OF RESETTLEMENT ZONE
(SOUTHERN) (DGR).

BY ADV. SRI.M.P.KRISHNAN NAIR

RESPONDENTS: PETITIONER/2ND, 3RD AND 4TH RESPONDENTS IN WP(C)

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1. M/S. TAURUS SECURITY SERVICE,
REPRESENTED BY ITS PROPRIETOR,
LT.COL.(RETD) C.K.BABU,
TAURUS SECURITY SERVICES,
2ND FLOOR, IX/209,
CIVIL LINE ROAD,
PADAMUGAL, THRIKKAKARA P.O.,
KOCHI-682 021.

2. BHARATH SANCHAR NIGAM LTD. (BSNL),
REP. BY ITS GENERAL MANAGER (TELECOM), BSNL,
KONNOLA TOWERS,
MALAPPURAM-676519.

3. K.N. SECURITY & ALLIED SERVICES PVT.LTD.
BUILDING NO.VII/432-B,
KUNNUMPURAM ROAD, KAKKANAD,
COCHIN-682 030,
DREPRESENTED BY ITS MANAGING DIRECTOR
LT.COL.VIJAY KUMAR NAIR (RETD.).

4. ALL KERALA EX-SERVICEMEN SECURITY STAFF
ASSOCIATION OF BSNL,
REG.NO.10-04/03,
REPRESENTED BY ITS GENERAL SECRETARY,
SRI.RAVEENDRAN C.,
HEAD OFFICE, VALLIKUNNU-673314,
MALAPPURAM DISTRICT,
KERALA.

BY SRI.C.S.RAMANATHAN, STANDING COUNSEL, BSNL-FOR R2

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 10/10/2007, ALONG WITH WA NO. 2381 OF 2007 WA NO. 2388 OF 2007 WA NO. 2389 OF 2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

W.A.Nos.2362, 2381, 2436,
W.A.No.2388/2007 & C.M.Appln.No.1077/2007 &
W.A.No.2389/2007 & C.M.Appln.No.1078/2007

Dated, this the 10th day of October, 2007

JUDGMENT

H.L.Dattu, C.J.

Though these matters are posted for admission, by consent of the learned counsel appearing for the parties to the lis, they are taken up for final hearing.

2. The delay in filing Writ Appeal Nos.2388 and 2389 of 2007 is condoned.

3. M/s.Taurus Security Service was the petitioner in W.P.(C) Nos.31070 and 34124 of 2006. M/s.A.J.Security Service was the petitioner in W.P.(C) No.34089 of 2006.

4. The learned Single Judge has granted the reliefs sought for by the petitioners. Aggrieved by the said order passed by the learned Single Judge, the Director General of Resettlement (DGR) has filed W.A.Nos.2362, 2381 and 2436 of 2007. The additional respondent No.3 in W.P.(C) Nos.31070 and 34124 of 2006 has filed W.A.Nos.2389 and 2388 of 2007 respectively.

5. The issues involved in all these appeals lie in a very narrow compass. The primary issue is whether the petitioners, as a matter of right, are entitled for extension of their term for a further period of two years.

6. DGR is an agency created by the Central Government. It has its own guidelines. The DGR caters to the needs of the Ex-Army persons. The DGR sponsors security services for the public sector undertakings from out of the persons who were empaneled before them. There are various conditions

in the guidelines issued for the proper functioning of the DGR by the Central Government.

7. In our view, the only clause that requires to be considered by us is clause 26 of the guidelines. The said clause reads as under:

> "26. An agency is initially sponsored to the Principal Employer for a period of one or two years. On the recommendation of the Principal Employer the same agency may be re-sponsored as per norms laid down of quota of guards and age limit. It is also mandatory that there is no complaint outstanding against the agency and that it has been sending reports and returns as specified in these instructions. However, no agency will be sponsored for at a location beyond four years. It is expected that within this period the ESM Security Agency would have established itself and expanded its operation as a security service provider into the civil business and industry. This is also to provide an opportunity to newly retired ESM to avail of such opportunities."

8. A perusal of the aforesaid clause would indicate that a security agency is initially sponsored to the principal employer for a period of one or two years. On the recommendation of the principal employer, the same agency may be re-sponsored for a further period of two years and at any rate, it cannot go beyond four years.

9. In the instant case, the DGR has sponsored M/s.Taurus Security Service and M/s.A.J.Security Service initially for a period of two years. Before completion of the aforesaid period of two years, these agencies had approached the DGR requesting to extend their term for a further period of two years. Since they did not get any response from the DGR, they approached this Court for appropriate directions.

10. The learned Single Judge keeping in view, the language employed in clause 26 of the guidelines, has observed in his order that an agency

sponsored by the DGR initially will be for a period of one or two years and after completion of the two years, the same can be extended for a further period of two years, but that requires to be done depending on the recommendation that may be made by the principal employer.

11. In the instant case, the principal employer, namely, Bharath Sanchar Nigam Limited, has issued a certificate to the petitioners' security services indicating that the performance of the said security services is in order.

12. As we have already indicated, a security agency can be initially appointed by the DGR for a period of two years and that can be extended for a further period of two years, provided it has not violated any one of the guidelines issued by the Central Government in this regard. It is not the case of the DGR that the petitioners' security services have violated any one of the guidelines issued by the Central Government. Further, the principal employer has issued a performance certificate to the security agencies for their continuance as security services in their organization.

13. In our opinion, in view of clause 26 of the guidelines issued by the Central Government for the functioning of the DGR and the security services sponsored by them, the petitioners were entitled for extension of their term for a further period of two years. Since that has not been done by the DGR, the learned Single Judge, in our opinion, has rightly granted the reliefs sought for by the petitioners.

14. We do not see any error in the orders passed by the learned Single Judge and in fact, the order passed by the learned Judge is in consonance with the guidelines issued by the Central Government. Therefore, interference with

the said order is not called for. Accordingly, the writ appeals require to be rejected and they are rejected.

Ordered accordingly.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

vns/DK.